(a) the overall pendency of appeals in the Income Tax Appellate Tribunal (ITAT) as on the 1st April, 1999;

(b) whether these have been reduced by sanctioning additional benches in April, 1999;

(c) if so, reduction achieved by the end of March, 2008;

(d) whether Government has further sanctioned 10 Additional Benches *w.e.f.* 2004; and

(e) if so, the details thereof and whether these have started functioning?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY) : (a) The overall pendency of appeals in the Income Tax Appellate Tribunal (ITAT) as on 1st April, 1999 was 300597.

(b) Yes, SIR.

(c) An overall reduction of 229758 cases has been achieved by the end of March, 2008, a part from he disposal of 387467 cases instituted during the period from 1st April, 1999 to 31st March, 2008.

(d) Yes, Sir.

(e) The 10 Additional Benches have been set up with effect from 30.01.2004 with 2 Benches each at Mumbai and Delhi and one Bench each at Pune, Lucknow, Ahmedabad, Bilaspur (camping Bench), Jaipur and Ranchi (Circuit Bench). All the 10 Additional Benches have since been made functional.

Disposal of pending cases

†360.SHRI SHANTA KUMAR : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) the details of recommendations made by Law Commission of India for disposal of cases pending in courts;

(b) the number of cases pending in courts and their time period; and

(c) the action being taken by Government for disposal of these cases as per the recommendations of the Commission?

THE MINISTER OF LAW AND JUSTICE (SHRI M. VEERAPPA MOILY) : (a) The Law Commission of India has made a large number of recommendations on disposal of cases pending in courts primarily in their 14th, 27th, 54th, 58th, 77th, 80th, 99th, 120th, 121st, 124th, 129th and 150 Reports. A short list of recommendations made by the Law Commission is given in the Statement (*See* below). For the exhaustive list of recommendations made in the above mentioned Reports of the Law Commission, the official website of the Law Commission of India http://lawcomission of india.nic.in may please be referred.

† Orignial notice of the question was received in Hindi.

(b) As per the latest available informaton, 53,221 cases were pending in the Supreme Court as on 30.09.09. As per the figures received from the High Courts, 40,18,914 cases were pending in the High Courts and 2,71,20,108 cases were pending in the subordinate Courts as on 30.06.09.

(c) Government has taken several steps to facilitate disposal of cases in the courts including pending cases, which include:

(i) Increasing tbe strength of judges in the High Courts and subordinate Courts.

(ii) 'Fast Track Courts' extended upto 31.10.2010.

(iii) Introduction of some legislative measures for improvement in judicial procedure and for expediting disposal of civil and criminal cases in courts. The Civil Procedure Code and Criminal Procedure Code have been amended and the concept of 'Plea-Bargaining' has been introduced.

(iv) Other measures like grouping of cases involving common question of law, constitution of specialised benches, setting up of special courts and organizing Lok Adalats at regular intervals have also been taken.

(v) Steps have also been taken for modernisation of the judicial infrastructure through computerization of courts. Government is implementing a scheme for computerization of District and Subordinate Courts and for upgradation of the Information and Communication Technology infrastructure of the Supreme Court and the High Courts.

(vi) Government has enacted the Gram Nyayalays Act, 2008 (Act 4 of 2009) which provides for establishment of over 5000 Gram Nyayalayas and will bring justice at the doorstep of the rural people.

(vii) Government has been encouraging the Alternative Dispute Resolution methods to facilitate dispute resolution outside the courts and to reduce pendency of cases in the country. Code of Civil Procedure, 1908 has been amended to provide for settlement of disputes through arbitration, conciliation, judicial settlement through Lok Adalat or through mediation.

Statement

A Short list of the recommendations made by Law Commission in its various reports

(1) The service conditions of judges and judical officers ought to be improved drastically if the judicial machinery is to function efficiency. The Commission also suggested that the age of retirement of judges should be raised from, 62 years to 65 years.

(2) Proper housing facilities, transport faciliteis etc should be provided to the judges. The overall infrastructure of the courts also needed to be improved.

(3) The work of maintaining and controlling the Court Diary should be done by the presiding officers and not by the readers. While fixing cases for a particular date, the presiding officer should ensure that the number of csses fixed on that date is such that can be easily disposed of on that day, while keeping a margin for collapse of few cases because of unforeseen circumstances.

(4) Arguments ought to be heard just after the close of evidence. Unduly lenghty arguments and tendency to cite needlessly large number of authorities should be discouraged. Judgements of the trial courts should deal with questions of fact appraising the evidence, refering to relevant statutory provisions and citing only those authorities which have direct bearing on the case.

(5) Time lag between pronouncement of judgement and preparation of decree should not be too long and should be done within 15 days time span, as laid down by Order 20, Rule 6A of the C.P.A.

(6) Setting up of Conciliation Boards on an experimental basis, in selected areas in disputes giving to claims for recovery of money not exceeding Rs. 5000. Adoption of conciliation would go a long way in relieving the Courts of heavy load of civil cases.

(7) Creation of an All India Judicial Service, with the same rank and pay scales as IAS.

(8) In its analysis and study, the Commission found that in India, there are 10.5 judges per million people. While contrasting this with other countries, it could be seen that these countries had substantially greater number of judges per million population. Australia has 46 judges per million, Canada has 75.2 judges per million, England has 50 judges per million and U.S.A. 107 judges per million. India is demographically and politically much larger than these nations and yet with only 7,675 judges, it is far behind these countries. The Commission recommended that by the year 2000, India should command at least the ratio U.S.A. command in 1981 *i.e.* 107 judges per million people.

(9) Radical restrucuting of the grass rot justice system which would provide a regulatory mechanism to the inflow of work to the High Court and the Supreme Court and reduce the number of second appeals.

(10) The Chief Justice should enlist the *services of retired judges* for setting up benches composed of two judges to do civil, criminal and miscellaneous work in the morning. The Chief Justice, depending upon the pendency of old matters, should draw a line of the base year and then direct that all matters pending up to the base year and admitted before the base year should be exclusively assigned to the retired judges. The retired judges will use the same building during the pre-lunch session and the sitting judges can use it after lunch. This will give them ample time to write judgements regularly. This suggestion has a double advantage as their will be optimum utilisation of fixed capital as well as speedy disposal of cases because the judges have rich expertise and experience in delivering justice. The retired judges should be paid the salary drawn by sitting judges without deducting pension or gratuity.

Setting up of Fast Track Courts

361. SHRI VARINDER SINGH BAJWA : Will the Minister of LAW AND JUSTICE be pleased to state :

(a) whether Government proposes to constitute Fast Track Courts to dispose of crores of cases pending in lower courts in the country.